



Confederated Tribes and Bands
of the Yakama Indian Nation

Established by the
Treaty of June 9, 1855



July 15, 1996

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AUG 06 1996
DOE-RL/DCC

Mr. John Wagoner, Manager
Richland Field Office
Department of Energy
P.O. Box 550 A7-50
Richland, WA 99352

Dear Mr. Wagoner:

Subject: TREATMENT PLAN FOR 100-KR-4 PUMP AND TREAT PROJECT,
DOE/RL-96-44 OF JUNE 1996, FORWARDED BY DOE-EPA-148 OF JUNE 12,
1996; DISAGREEMENT WITH STATEMENTS IN PLAN AND PLAN TECHNICAL
REQUIREMENTS--

BACKGROUND

Our recent letter of May 28, 1996 concerning a project involving the digging of a shallow trench for a water pipe in the 300 Area, provided comments applicable to the subject Treatment Plan for the 100-KR-4 Project.

We commented and requested various actions in that letter, pertinent to the subject project, as follows:

1. We requested an evaluation of the likely relation of the subject feature to other potential archaeological/cultural resources in the 300 Area and other locations along the river, for example the 100 Areas, be accomplished.
2. We noted that the excavation that unearthed the subject archaeological site was exempt from a full NEPA review because of its categorical exclusion (CX) status. In hindsight we found this exclusion unfortunate and inappropriate for the activity undertaken. Data upon which the activity was based, regarding the degree of disturbance of the soils affected by previous excavation, was fallacious.
3. We stated that an evaluation of the information considered in support of the excavation project and documentation regarding the project will be constructive in determining ways to improve the administration of activities in culturally sensitive areas. In addition, the documentation of the evaluation that was accomplished in connection with the first excavation are also requested for information.

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4. We stated that much of the 300 area remains undisturbed, particularly below about a foot. Thus, generalizations without hard data regarding disturbance are not appropriate. We noted that a full NEPA review would have required data to have been obtained and a comprehensive archaeological evaluation accomplished, given the critical location of the 300 Area at a relatively high elevation and near the river.

5. Considering these conclusions, we requested that full NEPA reviews with surface and subsurface reconnaissance be accomplished for any surface disrupting work within one-half mile of the river in the future, unless there is documented proof that the earthen materials to be disturbed have already been worked.

COMMENTS:

1. We consider the above comments apply to the work on the 100-KR-4 Project.

2. The purpose of the subject Treatment Plan to "Document the agreed-upon actions and measures," has not been fulfilled. As indicated in a conversation between DOE/RL (Dee Lloyd) and ER/WM (F. R. Cook) on June 25, 1996, technical comments provided to DOE/RL representatives (A. Tortoso et al.) during a field trip of the site in the Spring have not been resolved. Considering these open issues, the plan is not technically agreed to by the ER/WM Program. In addition our comments in the May 28, 1996 letter, including the request for a NEPA review of impact, are not resolved. Representation in the plan suggesting agreement is incorrect.

3. Consistent with the request in our May 28, 1996 letter we recommend that work proceed to identify a non-invasive geophysical test protocol using available equipment, for example magnetics, electro-magnetic instruments, ground penetrating radar or other commercially available geophysical testing apparatus, to investigate subsurface areas that would be disturbed during the proposed project. Such techniques should be evaluated using a mocked-up representation of potential artifacts or graves in typical soil medium to allow better interpretation of information obtained from the geophysical investigations.

4. Such a protocol should be developed for general usage at Hanford, if possible, to allow easy and quick routine deployment at potential culturally sensitive sites. The ER/WM Program should be consulted regarding development of the protocol.

5. We do not agree with the plan of invasive trenching potential cultural sites without first accomplishing non-invasive investigations.

6. The plan calls for the use of gravel overlay to improve or create roads and well pads. Provision for removing the gravel to restore the area affected by the gravel without disrupting subsurface soils should be specified prior to the application of gravel to sensitive land. However, we do not consider that the application of gravel to existing roadways or around existing well heads is warranted considering the cost and the potential to lose gravel to the surrounding soils, making future restoration difficult, if not impossible, without mechanically disrupting the soil and roadway.

6. We consider that all the monitoring wells should be eliminated from the test plan, and monitoring from the river bed should be substituted during low water conditions. Compliance monitoring in the river will address the actual point of concern regarding the contaminated groundwater impacts. Such monitoring at the impact location will provide a more comprehensive evaluation than the widely spaced wells currently identified as part of the plan. The impact on culturally sensitive lands will also be less if these monitoring wells are eliminated.

7. Consistent with the comments of our May 28, 1996 letter, if the injection wells planned for the project are more than one-half mile from the river, the sub-surface reconnaissance for those wells should not be required.

Sincerely,



Russell Jim, Manager
Environmental Restoration/Waste Management Program
Yakama Indian Nation

ATTACHMENT AS NOTED:

cc: K. Clarke, DOE/RL
D. Lloyd, DOE/RL



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034984

May 28, 1996

Mr. John Wagoner, Manager
Richland Field Office
Department of Energy
P.O. Box 550 A7-50
Richland, WA 99352

Dear Mr. Wagoner:

Subject: ACCIDENTAL DISCOVERY OF 300 AREA ARCHAEOLOGICAL SITE;
REQUEST FOR INFORMATION AND ACTIONS--

BACKGROUND

Following the digging of a shallow trench for a water pipe in the 300 Area, A PNNL scientist discovered an archeological site April 26, 1996. Field notes were taken to initially record the site and work at the site was stopped. No further excavation of the site was accomplished. Photographs of the site were obtained, and additional data collected from the spoils dug from the trench. Given the size of the feature (an apparent fire ring) and the depth of the blackened soil that was discovered, there is a possibility that the location is one of past continuous group habitation and not indicative of a isolated artifact.

We note that this is apparently the second time that the subject site was excavated given the existence of an old excavation used to install shallow electrical utility lines to serve nearby buildings, including one about 3 meters away from the site. During the previous excavation it appears that a mechanical excavating machine was used considering the width of the old excavation.

On May 3, 1996 additional information was provided by PNNL (Nickens) concerning evaluation of the spoils to Division of Natural Resources personnel (Cook and Cleveland).

REQUESTS FOR INFORMATION

1. Specifically, we request that PNNL complete evaluation of data collected to date and to provide a copy of the report as soon as the evaluation is completed.
2. In addition we request that a copy of the field notes and any

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other data collected in connection with the current discover, including copies of the photographs, be forwarded to us for information. We are ready to assist in the data evaluation, if desired, at PNNL's invitation.

3. DOE is requested to forward the current Hanford procedures controlling the project design process as the process pertains to archeological recognizance for our review.

ACTION REQUESTS

1. We request an evaluation of the likely relation of the subject feature to other potential archaeological/cultural resources in the 300 Area and other locations along the River, for example the 100 Areas, be accomplished.

2. We note that the excavation that unearthed the subject archaeological site was exempt from a full NEPA review because of its categorical exclusion (CX) status. In hind sight we find this exclusion unfortunate and inappropriate for the activity undertaken. Data upon which the activity was based, regarding the degree of disturbance of the soils affected by previous excavation, was fallacious.

We believe that an evaluation of the information considered in support of the excavation project and documentation regarding the project will be constructive in determining ways to improve the administration of activities in culturally sensitive areas. In addition the documentation of the evaluation that was accomplished in connection with the first excavation are also requested for information.

We believe much of the 300 area remains undisturbed, particularly below about a foot. Thus, generalizations without hard data regarding disturbance are not appropriate. A full NEPA review would have required data to have been obtained and a comprehensive archaeological evaluation accomplished, given the critical location of the 300 Area at a relatively high elevation and near the River.

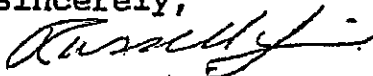
Thus, considering these conclusions we request that full NEPA reviews with surface and subsurface reconnaissance be accomplished for any surface disrupting work within one-half mile of the River in the future, unless there is documented proof that the earthen materials to be disturbed have already been worked.

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CLOSURE ACTION

Finally, in a conversation among DOE (Dee and Clarke), PNNL (Nickens) and YIN (Jim and Cook) on May 3, 1996 it was agreed to proceed with covering the subject feature.

Sincerely,



Russell Jim, Manager
Environmental Restoration/Waste Management Program
Yakama Indian Nation

ATTACHMENT AS NOTED:

cc: K. Clarke, DOE/RL.
D. Lloyd, DOE/RL

**RL COMMITMENT
CONTROL**

MAY 30 1996

**RICHLAND
OPERATIONS OFFICE**